

TRANSMITTAL SLIP		<small>DATE</small> 11 February 76
TO: Morning Meeting Participants		
<small>ROOM NO.</small>	<small>BUILDING</small>	
<small>REMARKS:</small> The attached is a draft copy of the House Select Committee's final recommendations.		
FROM:		
<small>ROOM NO.</small>	<small>BUILDING</small>	<small>EXTENSION</small>

FORM NO. 241
1 FEB 55REPLACES FORM 36-8
WHICH MAY BE USED.

(47)

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A. A HOUSE COMMITTEE ON INTELLIGENCE

1. The Select Committee recommends that there be formed a standing Committee on Intelligence of the House of Representatives.

a. The Committee Membership should reflect a broad representation of political and philosophical views.

b. The Committee should consist of not more than 13 or less than nine Members, designated by the Speaker in consultation with the Minority Leader, representing approximately the same political ratio as the House of Representatives.

c. No Member of the Committee may serve more than three consecutive terms on the Committee, and no member of the staff may serve more than six years.

d. Any past or current member of the Committee staff who shall release, without authorization of the Committee, materials or information obtained by the Committee shall be immediately terminated from employment and shall be fully subject to criminal and civil action, notwithstanding legislative immunity.

e. The Committee shall be vested with subpoena power and shall have the right to enforce by a proceeding for civil contempt its subpoenas in the United States District Court for the District of Columbia or any other court of competent

jurisdiction, without authorization from the House, provided the Committee has so designated by resolution. The Committee staff shall be given statutory standing to represent the Committee in any proceeding arising from the issuance of a subpoena.

f. The Committee's jurisdiction shall include all legislative and oversight functions relating to all United States agencies and departments engaged in foreign or domestic intelligence. The Committee shall have exclusive jurisdiction for budget authorization for all intelligence activities and exclusive jurisdiction for all covert action operations. All remaining oversight functions may be concurrent with other Committees of the House.

B. RELEASE OF INFORMATION

1. The Select Committee recommends that Rule XI.2 (e) (2) of the House Rules is amended to read as follows:

"Each committee shall keep a complete record of all committee action which shall include a copy of all reports, statements, and testimony of witnesses whether received in open or in executive session."

2. The Committee shall have the right to release any information or documents in its possession or control by a vote of a majority of the Members of the Committee under such terms and conditions as the Committee shall deem advisable. The Committee, in making the decision whether or not to release

such information, shall have the right, but not the duty, to consult with other agencies of the government within the intelligence community or executive branch with regard to any decision relating to the release of such heretofore secret information.

3. In the event of a negative vote by the Committee on the release of certain classified information, a Member of the Committee may apprise the other Members of the House that the Committee possesses information which he believes ought to be made public. Other Members of the House would then be authorized to have access to that information, provided they sign an agreement not to divulge the information. If these other Members agree that this information ought to be made public, they will sign a petition attesting to that. Upon obtaining the signatures of one-fifth of the House, the House shall convene in secret session for the purpose of advising the entire Membership of the House of that information. The House may then vote to release the information to the public.

4. The Select Committee recommends that the Rules of the House be revised to provide that any Member who reveals any classified information which jeopardizes the national security of the United States may be censured or expelled by a two-thirds vote of the House.

C. COVERT ACTION

1. The Select Committee recommends that all activities involving direct or indirect attempts to assassinate any individual and all paramilitary activities shall be prohibited except in time of war.

2. The Select Committee recommends that as to other covert action by any U.S. intelligence component, the following shall be required within 48 hours of initial approval.

a. The Director of Central Intelligence shall notify the Committee in writing, stating in detail the nature, extent, purpose, risks, likelihood of success, and costs of the operation.

b. The President shall certify in writing to the Committee that such covert action operation is required to protect the national security of the United States.

c. The Committee shall be provided with duplicate originals of the written recommendations of each member of the 40 Committee or its successor.

3. All covert action operations shall be terminated no later than 12 months from the date of affirmative recommendation by the 40 Committee or its successor.

D. NSA AS AN INDEPENDENT AGENCY

1. The Select Committee recommends that the existence of the National Security Agency should be recognized by specific legislation and that such legislation provide for civilian control of NSA that

such legislation specifically define the role of NSA with reference to the monitoring of communications of Americans.

E. DISCLOSURE OF BUDGET TOTALS

1. The Select Committee recommends that all intelligence related items be included as intelligence expenditures in the President's budget, and that there be disclosure of the total single sum budgeted for each agency involved in intelligence, or if such an item is a part or portion of the budget of another agency or department that it be separately identified as a single item.

F. PROHIBITION OF FUND TRANSFERS

1. The Select Committee recommends there be appropriate legislation to prohibit any significant transfer of funds between agencies or departments in connection with intelligence activities.

2. The Select Committee recommends there be appropriate legislation to prohibit any significant reprogramming of funds within agencies or departments in connection with intelligence activities without the specific approval of the Intelligence Committee and appropriate Committees of Congress.

3. The Select Committee recommends there be appropriate legislation to prohibit any significant expenditures of reserve or contingency funds in connection with intelligence activities without specific approval of the Intelligence Committee and appropriate Committees of Congress.

G. DIRECTOR OF CENTRAL INTELLIGENCE

1. The Select Committee recommends that a Director of Central Intelligence shall be created, separate from any of the operating or analytic intelligence agencies for the purpose of coordinating and overseeing the entire foreign intelligence community with a view to eliminating duplication in collection and promoting competition in analysis. The DCI shall be nominated by the President with the advice and consent of the Senate. This office shall have the following powers and duties:

a. The DCI shall be the chief foreign intelligence officer of the United States, and shall be responsible for the supervision and control of all agencies of the United States engaged in foreign intelligence.

b. The DCI shall be a Member of the National Security Council.

c. The DCI may not hold a position or title with respect to any other agencies of government.

d. The DCI shall, along with such other duties, constitute an Office of Inspector General for all of the foreign intelligence agencies, including other agencies of government or branches of the military which have foreign intelligence functions. Such agencies shall have the obligation to report all instances of misconduct or allegations of misconduct to the DCI. This shall not constitute a limitation upon the respective agencies reporting to the DCI from maintaining their own Inspector General staff or similar body.

e. The DCI shall have an adequate staff for the purposes expressed herein and be responsible for the national intelligence estimates and daily briefings of the President.

f. The DCI shall be responsible for the preparation of the national intelligence estimates and such reports shall be immediately supplied to the appropriate committees of Congress on request.

g. All budget requests shall be prepared by the agencies under the jurisdiction of the DCI. As to those parts of budget of the military services or components of Department of Defense, they shall be submitted as an independent part of such budgets to the DCI.

h. The DCI shall be charged with the functions of coordinating foreign intelligence agencies under its jurisdiction, the elimination of duplication, the periodic evaluation of the performance and efficiency of the agencies in question, and shall report to Congress on the foregoing at least annually.

i. The DCI shall conduct a comprehensive inquiry into the causes of intelligence failures, including: inadequate collection tasking; analytical bias; duplication; unusable technical output; excessive compartmentation; and withholding of information by senior officials, and report to the Committee on Intelligence within one year.

H. FULL GAO AUDIT AUTHORITY

1. The Select Committee recommends that the General Accounting Office be empowered to conduct a full and complete management as well as financial audit of all intelligence agencies. There shall be no limitation on the GAO in the performance of these functions by any executive classification system, and the audit function of GAO shall specifically apply to those funds which presently may be expended on certification of a Director of an Agency alone.

I. INTERNAL FINANCIAL MANAGEMENT

1. The Select Committee recommends that the CIA internal audit staff be increased and given complete access to CIA financial records, and that overseas stations be audited at least annually. It is further recommended that all proprietary and procurement mechanisms be subjected to annual comprehensive review, by the CIA's internal audit staff.

J. FULL DISCLOSURE TO CONGRESS

1. The Select Committee recommends that existing legislation (National Security Act of 1947, Sec. 102 (d) (3)) restricting the Directors and heads of foreign intelligence agencies from providing full information to Congress should be amended to exclude Committees of Congress having appropriate jurisdiction.

K. NEW FOREIGN OPERATIONS SUBCOMMITTEE OF NSC

1. The Select Committee recommends that the National Security Act of 1947 be amended to provide for the establishment of a

permanent Foreign Operations Subcommittee of the National Security Council. The Subcommittee's jurisdiction, function and composition shall be as follows:

- a. The Subcommittee shall have jurisdiction over all authorized activities of U.S. foreign intelligence agencies except those solely related to the gathering of intelligence.
- b. The Subcommittee shall advise the President on all proposed covert or clandestine activities and on hazardous collecting activities.
- c. Each member of the Subcommittee shall be required by law to submit his individual assessments of each proposal to the President in writing. The assessment should cover such matters as the likelihood of success, the benefits of success, the damage resulting from failure or exposure, the risks against the potential benefits and alternate ways of accomplishing the goal.
- d. The Subcommittee shall be chaired by the Assistant to the President for National Security Affairs and shall be composed of:

Assistant to the President for National Security Affairs;

Director of Central Intelligence;

Secretary of State;

Secretary of Defense;

Deputy Director for Intelligence of CIA;

Chairman of the Joint Chiefs of Staff;

The ambassador(s), if there is one, and assistant secretaries of state for the affected countries and areas.

L. DEFENSE INTELLIGENCE AGENCY

1. The Select Committee recommends that the Defense Intelligence Agency be abolished and that its functions be transferred to the Assistant Secretary of Defense for Intelligence and the CIA.

M. DETAILEES

1. The Select Committee recommends that intelligence agencies disclose the affiliation of employees on detail to other government agencies or departments to all immediate colleagues and superiors.

N. ASSISTANT FOR NATIONAL SECURITY AFFAIRS

1. The Select Committee recommends that the Assistant to the President for National Security Affairs be prohibited from holding any cabinet-level position.

O. RESTRICTIONS ON POLICE TRAINING AND RELATIONSHIPS

1. The Select Committee recommends that no agency of the United States engaged principally in foreign or military intelligence, directly or indirectly engage in the training or the supplying of domestic police agencies of the United States, and that contacts between police agencies of the United States and U.S. foreign or military intelligence agencies be limited to those circumstances which shall be required on account of internal security or the normal requirements and functions of such police agencies.

P. MEDIA

1. The Select Committee recommends that United States intelligence agencies not covertly provide money or other valuable consideration to persons associated with religious or educational institutions, or to employees or representatives of any journal or electronic media with general circulation in the United States or use such institutions or individuals for purposes of cover. The foregoing prohibitions are intended to apply to American citizens and institutions.

2. The Select Committee further recommends that United States intelligence agencies not covertly publish books, or plant or suppress stories in any journals or electronic media with general circulation in the United States.

Q. RESTRICTIONS ON MILITARY INTELLIGENCE

1. The Select Committee recommends that the intelligence components of the Armed Services of the United States be prohibited from engaging in covert action within the United States. It is further recommended that clandestine activities against non-military United States citizens abroad be proscribed.

R. CLASSIFICATION

1. The Select Committee recommends that the Classification of Information be the subject of the enactment of specific legislation; and further, as an adjunct to such legislation there be provided a method of regular declassification.

S. DOMESTIC

1. The Select Committee recommends that judicial warrant must issue, on probable cause, before an informant or any other agent of the FBI may infiltrate any domestic group or association, when investigation of such group or association or its members is based solely on Title 18 USC § 2383, 2384, 2385.

2. The Select Committee recommends that the Director of the FBI have a term of office no longer than two presidential terms.

3. The Select Committee recommends that the Internal Security Branch of the Intelligence Division be abolished and that the Counter-intelligence Branch be reorganized to constitute a full division named the Counter-Intelligence Division; that the mission of this Division be limited to investigating and countering the efforts of foreign directed groups and individuals against the United States.

4. The Select Committee recommends the transfer of all investigations of alleged criminal activity by domestic groups or individual members thereof to the General Investigative Division.

5. The Select Committee recommends that regulations be promulgated that tie the investigation of activities of terrorist groups closely to specific violations of criminal law within the investigative jurisdiction of the FBI and that charge the Department of Justice with determining when a domestic political action group may be appropriately targeted for investigation of terrorist activities.

T. INSPECTOR GENERAL FOR INTELLIGENCE

1. The Select Committee recommends the establishment of an independent Office of the Inspector General for Intelligence, who shall have full authority to investigate any possible or potential misconduct on the part of the various intelligence agencies or the personnel therein. The IGI shall be appointed by the President, with the approval of the Senate, for a term of 10 years and shall not be permitted to succeed himself. The IGI shall have full access on demand to all records and personnel of the intelligence agencies for the purpose of pursuing his investigations. He shall make an annual report to the Congress of his activities and make such additional reports to the intelligence committees or other appropriate oversight committees as he may choose or the committees may direct.

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